

PETER M. CALLAHAN, ESQ. (SBN 44937)
RONALD D. DIGESTI, ESQ. (SBN 129051)
LEE H. A. DiBELLO, ESQ. (SBN 214349)
ANNA C. GEHRIGER, ESQ. (SBN 248484)
CALLAHAN, McCUNE & WILLIS, APLC
500 Sansome Street, Suite 410
San Francisco, CA 94111
Tel: (415) 593-5700
Fax: (415) 593-6984
E-Mail: ronald_digesti@cmwlaw.net

Attorneys for Defendant,
U.S. TRADES, LLC

UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

REYNALDO SALINAS, ISABEL SALINAS,
AND JESSICA SALINAS, INDIVIDUALLY
AND AS REPRESENTATIVE OF THE
ESTATE OF JOSE MARTIN SALINAS,

Plaintiffs,

vs.

AMTECK OF TEXAS, AMTECK OF
KENTUCKY, INC. d.b.a. KENTUCKY
AMTECK, INC., U.S. TRADES, LLC,
HASKELL COMPANY d.b.a. THE
HASKELL COMPANY OF FLORIDA,
SNORKEL INTERNATIONAL, INC.

Defendants.

Case No.: 3:08-cv-01463 PJH
JUDGE: Hon. Phyllis J. Hamilton
DEPARTMENT: 3
COMPLAINT DATE: 3/17/08

**[PROPOSED] ORDER GRANTING
DEFENDANT U.S. TRADES, LLC'S
MOTION TO DISMISS**

DATE: August 20, 2008
TIME: 9:00 a.m.
DEPT: 3

DISCOVERY CUT OFF: NONE
MOTION CUT OFF: NONE
MSC DATE: NONE
TRIAL DATE: NONE

TO ALL PARTIES AND THEIR COUNSEL OF RECORD HEREIN:

PLEASE TAKE NOTICE that the motion of Defendant U.S. TRADES, LLC for an order dismissing it with prejudice from the above-captioned action having come on regularly for hearing on August 20, 2008, at 9:00 a.m., in Department 3 of the above-entitled Court before the Honorable Phyllis J. Hamilton, United States District Judge, all parties being present and represented by counsel, the documents on file herein having been considered, oral arguments having been heard and GOOD CAUSE APPEARING THEREFOR,

1 IT IS HEREBY ORDERED that motion of Defendant U.S. TRADES, LLC is hereby
2 GRANTED.

3 IT IS FURTHER ORDERED that Defendant U.S. TRADES, LLC is herewith dismissed
4 from the instant action with prejudice.

5 IT IS SO ORDERED.

6
7 DATED: August ____, 2008

8 THE HON. PHYLLIS J. HAMILTON
9 UNITED STATES DISTRICT JUDGE

10
11 G:\ActiveCases\HAR\080013Salinas\PROC\MotionToDismissUST\P-Order.doc
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
3 COUNTY OF SAN FRANCISCO)

4 I am employed in the County of San Francisco, State of California, I am over the age of
5 18 years and not a party to the within action; my business address is 500 Sansome Street, Suite
410, San Francisco, California.

6 On this date, I served the foregoing document described as:

7 **DEFENDANT U.S. TRADES, LLC's NOTICE OF MOTION AND MOTION TO**
8 **DISMISS; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT**
9 **THEREOF; DECLARATION OF RONALD D. DIGESTI IN SUPPORT OF**
10 **DEFENDANT U.S. TRADES, LLC'S MOTION TO DISMISS; and [PROPOSED]**
11 **ORDER GRANTING MOTION TO DISMISS**

12 Said document was served on the interested party or parties in this action by placing a
13 true copy thereof, enclosed in a sealed envelope, and addressed as noted below.

14 **SEE ATTACHED SERVICE LIST**

15 I am familiar with our firm's practice of collection and processing correspondence for
16 mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day
17 with postage thereon fully prepaid at San Francisco, California in the ordinary course of
18 business. I am aware that on motion of the party served, service is presumed invalid if the postal
19 cancellation date or postage meter date is more than one working day after the date of deposit for
mailing in this declaration.

20 X **(BY MAIL)** I deposited such envelope in the mail at San Francisco, California. The
21 envelope was mailed with postage thereon fully prepaid.

22 X **(EMAIL/PACER/ECF)** I caused all of the pages of the above-entitled document(s) to be
23 sent to the recipient(s) noted above via ECF/PACER and email pursuant to General Order 45 (*as*
24 *to registered users only*).

25 X **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this
26 court at whose direction the service was made.

27 Executed on July 11, 2008, at San Francisco, California.

28 I declare under penalty of perjury under the laws of the State of California that the above
is true and correct. I further declare that I am employed in the office of a member of the bar of
this court at whose direction the service was made.


Patricia Inabnet

SERVICE LIST

Case Name: Reynaldo Salinas v. Amteck of Texas, et al.
Court: USDC, Northern District of California, San Francisco Division
Case Number: 3:08-cv-01463 PJH

Wesley T. Ball, Esq. (TSBN 24038754) Attorneys for Plaintiffs
Michael A. Hawash, Esq. (TSBN 00792061)
FARRAR & BALL, LLP
1010 Lamar, Suite 1600
Houston, TX 77002
Tel: (713) 221-8300
Fax: (713) 221-8301
E-Mail: michael@fbtrial.com

Timothy D. McMahon, Esq. (SBN 117024)
CORSIGLIA, McMAHON & ALLARD
96 N. 3rd St., #620
San Jose, CA 95112
Tel: (408) 289-1417
Fax: (408) 289-8127
E-Mail: tmcmahon@cmalaw.net

John P. Cotter, Esq. Attorneys for Defendants
Anthony C. Diepenbrock, Esq. AMTECK & HASKELL
DIEPENBROCK & COTTER LLP
1545 River Park Drive, Suite 201
Sacramento, CA 95815
Tel: (916) 565-6222
Telecopier: (916) 565-6220
Fax:
E-Mail: jpc@diepenbrockcotter.com,
td@diepenbrockcotter.com,
arr@diepenbrockcotter.com,
geraldine@diepenbrockcotter.com,
maryp@diepenbrockcotter.com

Tonya Beane Webber, Esq. Attorneys for Defendant
PORTER, ROGERS, DAHLMAN SNORKEL INTERNATIONAL, INC.
& GORDON, PC
One Shoreline Plaza, Suite 800
800 N. Shoreline
Corpus Christi, TX 78401
Tel:
Fax:
E-Mail:

Bryan Haynes, Esq. (TSBN 09283520) Co-Counsel for Defendant
C. Don Clayton, Esq. (TSBN 24027932) U.S. TRADES, LLC
Jason R. Marlin, Esq. (TSBN 2405098)

1 LOCKE LORD BISSELL & LIDDELL, LLP
2 2200 Ross Avenue., Suite 2200
3 Dallas, TX 75201
4 Tel: (214) 740-8000
Fax: (214) 740-8800
E-Mail: bhaynes@lockelord.com

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28